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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/86 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 11th, 12th, 16th, 22nd and 25th meetings, on 7, 10, 17 and 31 October and 5 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.11, 12, 16, 22 and 25).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/57/165 and Add. 1);

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 33* (A/57/33).

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(c) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/57/370);

(d) Letter dated 14 June 2002 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the declaration signed at St. Petersburg on 7 June 2002 by the heads of State of the members of the Shanghai Cooperation Organization (A/57/88-S/2002/672).

II. Consideration of proposals

A. Draft resolution A/C.6/57/L.19

5. At the 22nd meeting, on 31 October, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/57/L.19).

6. At the 25th meeting, on 5 November, the Secretary of the Committee made a statement concerning the administrative and financial implications of the draft resolution (see A/C.6/57/SR.25).

7. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.19 without a vote (see para. 12, draft resolution I).

B. Draft resolution A/C.6/57/L.11

8. At the 16th meeting, on 17 October, the representative of Bulgaria, on behalf of Bulgaria, the Russian Federation and Ukraine, subsequently joined by Algeria, Bangladesh, Brazil, Chile, China, Colombia, Egypt, India, Malaysia, Sierra Leone, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Uganda introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/57/L.11).

9. At its 25th meeting, on 5 November, the Committee adopted draft resolution A/C.6/57/L.11 without a vote (see para. 12, draft resolution II).

C. Draft resolution A/C.6/57/L.10

10. At the 25th meeting, on 5 November, the Chairman of the Committee, on behalf of the Bureau, introduced a draft resolution entitled "Prevention and peaceful settlement of disputes" (A/C.6/57/L.10).

11. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.10 without a vote (see para. 12, draft resolution III).

III. Recommendations of the Sixth Committee

12. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[2]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Considering the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[3]

Recalling its resolution 56/86 of 12 December 2001,

Having considered the report of the Special Committee on the work of its session held in 2002,[4]

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[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 47* (A/56/47).

[3] A/57/370.

[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 33* (A/57/33).

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes, which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[4]

2. *Decides* that the Special Committee shall hold its next session from 7 to 17 April 2003;

3. *Requests* the Special Committee, at its session in 2003, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2003;

(b) To continue to consider, on a priority basis, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General[5] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/55 of 11 December 1995,[6] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"[7] and the views expressed by States on this subject at previous sessions of the Assembly;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Takes note* of paragraph 57 of the report of the Secretary-General,[3] commends the Secretary-General for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorses the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;

5. *Invites* the Special Committee at its session in 2003 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

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[5] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303 and A/57/165 and Add.1.

[6] A/50/1011.

[7] A/51/950 and Add.1-7.

6. *Notes* the readiness of the Special Committee, in the context of its consideration of the subject of assistance to working groups on the revitalization of the work of the United Nations and coordination between the Special Committee and other working groups dealing with the reform of the Organization, to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its fifty-eighth session;

8. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II
Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",[8] in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereto, entitled "Question of sanctions imposed by the United Nations",

[8] A/47/277-S/24111.

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",[9]

(d) The statement by the President of the Security Council of 22 February 1995,[10]

(e) The report of the Secretary-General[11] prepared pursuant to the statement by the President of the Security Council[12] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000[13] and the annual overview report of the United Nations System Chief Executives Board for Coordination for 2001,[14] in particular the sections on assistance to countries invoking Article 50 of the Charter,

(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia[15] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997, 54/96 G of 15 December 1999, 55/170 of 14 December 2000 and 56/110 of 14 December 2001,

(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2002,[16]

(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[17]

(j) The report of the Secretary-General to the Millennium Assembly of the United Nations,[18] in particular section IV.E thereof, entitled "Targeting sanctions",

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[9] A/50/60-S/1995/1.

[10] S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

[11] A/48/573-S/26705.

[12] S/25036; see *Resolutions and Decisions of the Security Council, 1992*.

[13] E/1993/81, E/1994/19, E/1995/21, E/1996/18 and Add.1, E/1997/54 and Corr.1, E/1998/21, E/1999/48, E/2000/53 and E/2001/55.

[14] E/2002/55.

[15] A/49/356, A/50/423, A/51/356, A/52/535, A/54/534, A/55/620 and Corr.1 and A/56/632.

[16] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33); ibid., *Fiftieth Session, Supplement No. 33* (A/50/33); ibid., *Fifty-first Session, Supplement No. 33* (A/51/33); ibid., *Fifty-second Session, Supplement No. 33* and corrigendum (A/52/33 and Corr.1); ibid., *Fifty-third Session, Supplement No. 33* (A/53/33); ibid., *Fifty-fourth Session, Supplement No. 33* and corrigendum (A/54/33 and Corr.1); ibid., *Fifty-fifth Session, Supplement No. 33* (A/55/33); ibid., *Fifty-sixth Session, Supplement No. 33* (A/56/33); and ibid., *Fifty-seventh Session, Supplement No. 33* (A/57/33).

[17] A/50/361, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303 and A/57/165 and Add.1.

[18] A/54/2000.

(k) The United Nations Millennium Declaration,[19] in particular paragraph 9 thereof,

(l) The report of the Secretary-General entitled "Road map towards implementation of the United Nations Millennium Declaration",[20] in particular paragraphs 56 to 61 thereof,

(m) The report of the Office of Internal Oversight Services on the in-depth evaluation of United Nations programmes relating to global development trends, issues and policies and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions,[21] in particular recommendation 3 contained therein, as approved by the Committee for Programme and Coordination at its fortieth session,[22]

Taking note of the report of the Secretary-General on the work of the Organization,[23] in particular paragraphs 69 to 71 thereof,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

Recalling also the measures taken by the Security Council, in accordance with the statement by the President of the Security Council of 16 December 1994,[24] that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Recalling further the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999[25] aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of those committees,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

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[19] See resolution 55/2.

[20] A/56/326.

[21] E/AC.51/2000/2.

[22] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 16* and corrigendum (A/55/16 and Corr.1), chap. II.C.2, para. 243.

[23] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 1* (A/57/1).

[24] See S/PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

[25] S/1999/92; see *Resolutions and Decisions of the Security Council, 1999*.

Recognizing that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economies of those States,

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000 and 56/87 of 12 December 2001,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 15 January 2002,[26] whereby the members of the Security Council agreed to extend the mandate of the informal working group of the Council established in 2000[27] to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the adoption of the proposed outcome document of the working group, in particular those provisions thereof regarding the issues of the unintended impact of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to enhance further the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Invites* the Security Council, its sanctions committees and the Secretariat to continue to ensure, as appropriate, that:

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[26] S/2002/70; see *Resolutions and Decisions of the Security Council, 2002*.

[27] S/2000/319.

(a) Both pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which the negative impact of sanctions can be mitigated;

(b) Sanctions committees provide opportunities for third States affected by sanctions to brief them on the unintended impact of sanctions they are experiencing and on assistance needed by them to mitigate the negative impact of sanctions;

(c) The Secretariat continues to provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, for example, on invoking Article 50 of the Charter for consultation with the Security Council;

(d) Where economic sanctions have had severe effects on third States, the Security Council is able to request the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the ground to undertake necessary assessments and to identify, as appropriate, possible ways of assistance;

(e) The Security Council is able, in the context of situations referred to in subparagraph (d) above, to consider establishing working groups to consider such situations;

4. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157 and 56/87 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

5. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States,[28] and renews its invitation to States and relevant international organizations within and outside the United Nations system which have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

6. *Takes note* of the most recent report of the Secretary-General,[28] and in particular, of his views on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, as well as the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as contained in the previous reports of the Secretary-General;[29]

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[28] A/57/165 and Add.1.

[29] A/54/383 and Add.1 and A/55/295 and Add.1.

7. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

8. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2003, to make appropriate arrangements for this purpose within its programme of work for 2003, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions,[28] together with the relevant background materials, to the Council at its substantive session of 2003;

9. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, the special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

10. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2003, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162,[30] together with the most recent report of the Secretary-General on this question, taking into consideration the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-seventh session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87 and the present resolution;

11. *Decides* to consider, within the Sixth Committee or a working group of the Committee, at the fifty-eighth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the

[30] A/53/312.

provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session, under the agenda item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution III
Prevention and Peaceful settlement of disputes

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also Chapter VI of the Charter of the United Nations, in particular Article 33, and underlining the obligation of Member States to seek a solution to their disputes by peaceful means of their own choice,

Recalling further the principles in the United Nations Millennium Declaration[31] and the Declaration of the Security Council on Ensuring an Effective Role for the Security Council in the Maintenance of International Peace and Security, particularly in Africa,[32] adopted during the United Nations Millennium Summit,

Recalling the Manila Declaration on the Peaceful Settlement of International Disputes,[33] the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,[34] the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security,[35] the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,[36] and the United Nations Model Rules for the Conciliation of Disputes between States,[37] elaborated by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and adopted unanimously by the General Assembly,

Noting with appreciation the work done by the Special Committee on the Charter to encourage States to focus on the need to prevent and to settle peacefully their disputes, which are likely to endanger the maintenance of international peace and security,

Emphasizing the importance of early warning to prevent disputes, and emphasizing also the need to promote the peaceful settlement of disputes,

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[31] Resolution 55/2.
[32] Security Council resolution 1318 (2000), annex.
[33] Resolution 37/10, annex.
[34] Resolution 43/51, annex.
[35] Resolution 46/59, annex.
[36] Resolution 49/57, annex.
[37] Resolution 50/50, annex.

Recalling the various procedures and methods available to States for the prevention and the peaceful settlement of their disputes, including those provided for in Article 33 of the Charter, as well as monitoring, fact-finding missions, goodwill missions, special envoys, observers and good offices,

Recalling in particular its previous relevant declarations and resolutions concerning dispute prevention, in which, inter alia, it called upon the Secretary-General to make full use of the information-gathering capabilities of the Secretariat and emphasized the need to strengthen the capacity of the United Nations in the field of preventive diplomacy,

Recalling its previous relevant resolutions and decisions concerning dispute settlement, including resolution 2329 (XXII) of 18 December 1967, in which it requested the Secretary-General to prepare a register of experts whose services States parties to a dispute might use for fact-finding in relation to the dispute, decision 44/415 of 4 December 1989, the annex to which contains a draft document on resort to a commission of good offices, mediation or conciliation within the United Nations, and resolution 50/50 of 11 December 1995, the annex to which contains the United Nations Model Rules for the Conciliation of Disputes between States,

Noting with satisfaction that, pursuant to the recommendation contained in its resolution 47/120 A of 18 December 1992, the Secretary-General established a list of eminent and qualified experts for his use in fact-finding and other missions, and that this list has recently been updated,

Recalling that certain multilateral treaties provide for the creation of lists of conciliators and arbitrators for use by States in the settlement of their disputes,

Reaffirming the important role played by judicial mechanisms, in particular the International Court of Justice and the International Tribunal for the Law of the Sea, in the settlement of disputes between States,

1. *Urges* States to make the most effective use of existing procedures and methods for the prevention and settlement of their disputes peacefully, in accordance with the principles of the Charter of the United Nations;

2. *Reaffirms* the duty of all States, in accordance with the principles of the Charter of the United Nations, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible;

3. *Draws the attention* of States to the important roles played by the Security Council, the General Assembly and the Secretary-General in providing early warning and in working for the prevention of disputes and situations which might threaten international peace and security;

4. *Takes note* of the paper prepared by the Secretariat entitled "Mechanisms established by the General Assembly in the context of dispute prevention and settlement";[38]

[38] A/AC.182/2000/INF/2.

5. *Urges* the continued enhancement of the concrete steps taken by the Secretariat to build and improve the capacity of the United Nations to respond effectively and efficiently in matters relating to dispute prevention, including through the strengthening of cooperative mechanisms for information-sharing, planning and the development of preventive measures; the development of a comprehensive plan for a revived early-warning and prevention system for the United Nations; training intended to support such enhanced capabilities in these areas; and cooperation with regional organizations;

6. *Encourages* States to nominate suitably qualified persons who are willing to provide fact-finding services, for inclusion in the register set up by the Secretary-General pursuant to paragraph 4 of its resolution 2329 (XXII);

7. *Encourages* eligible States to also nominate suitably qualified persons to have their names included in the lists of conciliators and arbitrators provided for under certain treaties, including the Vienna Convention on the Law of Treaties[39] and the United Nations Convention on the Law of the Sea;[40]

8. *Requests* the Secretary-General to take such steps as he deems necessary from time to time to encourage States to designate suitably qualified persons for inclusion in the various lists referred to above which he has the responsibility to maintain;

9. *Reminds* States that have not yet done so that they may at any time make a declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice with regard to its compulsory jurisdiction in relation to any other State accepting the same obligation, and encourages them to consider doing so.

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[39] United Nations, *Treaty Series*, vol. 1155, No. 18232.

[40] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).